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Crime prevention and criminal justice

An effective international legal instrument against corruption

Note by the Secretariat

By its resolution 2000/13, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "An effective international legal instrument against corruption". The text of the draft resolution is reproduced below.

An effective international legal instrument against corruption

The General Assembly,

Noting the corrosive effect that corruption has on democracy, development, the rule of law and economic activity,

Recalling its resolutions 53/111 of 9 December 1998, by which it established the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, and 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee to complete its work in 2000,

Recalling also its resolution 54/128 of 17 December 1999, in which it requested the Ad Hoc Committee to explore the desirability of an international instrument against corruption, either ancillary to or independent of the United Nations convention against transnational organized crime,

Taking note of the report of the Ad Hoc Committee on its seventh session,[1] during which it considered the implementation of General Assembly resolution 54/128,

Recalling the debates and especially the statements made at the high-level segment and the results of the Tenth United Nations Congress on the Prevention of

[1] A/AC.254/25.

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Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,[2] in particular the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,

Bearing in mind the need to prepare a broad instrument that takes into account existing international conventions against corruption,

1. *Recognizes* that an effective international legal instrument against corruption, independent of the United Nations convention against transnational organized crime, is desirable;

2. *Decides* to start the elaboration of such an instrument in Vienna at the headquarters of the United Nations Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention;

3. *Requests* the Secretary-General to prepare a report analysing all relevant international legal instruments, other documents and recommendations addressing corruption,[3] considering, inter alia, obligations as regards criminalization of all forms of corruption and international cooperation, regulatory aspects of corruption and the relationship between corruption and money-laundering, and to submit it to the Commission on Crime Prevention and Criminal Justice at an inter-sessional session in order to allow Member States to provide comments to the Commission prior to its tenth session;

4. *Requests* the Commission, at its tenth session, to review and assess the report of the Secretary-General and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption;

5. *Requests* the Secretary-General to convene, upon completion of the negotiation of the United Nations convention against transnational organized crime and the related protocols, an intergovernmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of the recommendations of the Commission at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption;

6. *Requests* the intergovernmental open-ended expert group to submit the draft terms of reference for the negotiation of the future legal instrument, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, to the General Assembly at its fifty-sixth session for adoption;

7. *Decides* to establish an ad hoc committee for the negotiation of such an instrument to start its work in Vienna as soon as the draft terms of reference for such negotiation are adopted;

8. *Invites* donor countries to assist the United Nations to ensure the effective participation of developing countries, in particular least developed countries, in the work of the intergovernmental open-ended expert group and the ad hoc committee, including travel and local expenses;

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[2] See A/CONF.187/15.

[3] See the annex to the present resolution for an indicative list of such legal instruments, documents and recommendations.

9. *Requests* the Secretary-General to provide the Commission and the intergovernmental open-ended expert group with the required facilities and resources to support their work.

Annex

Indicative list of international legal instruments, documents and recommendations against corruption

(a) International Code of Conduct for Public Officials;[4]

(b) United Nations Declaration against Corruption and Bribery in International Commercial Transactions;[5]

(c) General Assembly resolution 54/128, in which the Assembly subscribed to the conclusions and recommendations of the Expert Group Meeting on Corruption and its Financial Channels, held in Paris from 30 March to 1 April 1999;[6]

(d) Report of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000;[7]

(e) Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996;[8]

(f) Recommendation 32 of the Senior Experts Group on Transnational Organized Crime, endorsed by the Political Group of Eight in Lyon, France, on 29 June 1996;[9]

(g) The Twenty Guiding Principles for the Fight against Corruption, adopted by the Committee of Ministers of the Council of Europe on 6 November 1997;

(h) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted by the Organisation for Economic Cooperation and Development on 21 November 1997;[10]

(i) Agreement Establishing the Group of States against Corruption, adopted by the Committee of Ministers of the Council of Europe on 5 May 1998, and Criminal Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 4 November 1998;[11]

(j) Measure on Combating Corruption in the Private Sector, adopted by the European Union on 22 December 1998;

(k) Declarations made by the first Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999,[12] and the second Global Forum to be held in The Hague in 2001;

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[4] Resolution 51/59, annex.
[5] Resolution 51/191, annex.
[6] E/CN.15/1999/10, paras. 1-14.
[7] A/CONF.187/15.
[8] See E/1996/99.
[9] See Economic and Social Council resolution 1997/22, annex I.
[10] See *Corruption and Integrity Improvement Initiatives in Developing Countries* (United Nations publication, Sales No. E.98.III.B.18).
[11] Council of Europe, *European Treaty Series*, No. 173.
[12] E/CN.15/1999/WP.1/Add.1.

(l) Civil Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 9 September 1999;[13]

(m) Model Code of Conduct for Public Officials, adopted by the Committee of Ministers of the Council of Europe on 11 May 2000;

(n) Principles to Combat Corruption in African Countries of the Global Coalition for Africa;

(o) Conventions and related protocols of the European Union on corruption;

(p) Best practices such as those compiled by the Basel Committee on Banking Supervision, the Financial Action Task Force on Money Laundering and the International Organization of Securities Commissions.

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[13] Council of Europe, *European Treaty Series*, No. 174.